

**Town of Amherst**  
**Zoning Board of Appeals - Special Permit**

*DECISION*

**Applicant:** Eric Pietz, Mill Valley Estates Manager

**Date Application filed with the Town Clerk:** March 18, 2005

**Nature of request:** A Special Permit under Section 8.41 of the Zoning Bylaw to erect a directional sign

**Location of the property:** The corner of Riverglade Drive and East Hadley Road (Map 16D, Parcel 15, R-N Zone)

**Legal notice:** Published on April 13 & 20, 2005 in the Daily Hampshire Gazette and sent to abutters on April 12, 2005.

**Board members:** Tom Simpson, Barbara Ford, Susan Pynchon

**Submissions:** The applicant submitted a packet containing:

- Management Plan
- Plot Plan
- Sign Design
- Building Permit Application
- Estimate of Cost
- Property owner's permission letter
- Town Engineer approval
- Comparison with other signs in the area

The zoning staff submitted a memo outlining some background information concerning the reasons for the request, and the relevant references in the Zoning Bylaw.

**Site Visit:** April 26, 2005

The petitioner had placed a temporary paper sign in the proposed location – 25 feet in from the edge of both East Hadley Road and Riverglade Drive. Landscaping around the sign consisted of an oval area approximately 12 x 20 feet with 5 or 6 low shrubs. The Board observed clear visibility at the intersection in relation to the proposed sign.

The Board also observed the main sign for Mill Valley Estates, which is at the southerly end of Riverglade Drive, several hundred yards away from the entrance off East Hadley Road. It is large and well maintained, but not visible from the main road.

**Public Hearing:** April 28, 2005

Eric Pietz, applicant and property manager for Mill Valley Estates said that the apartment complex management is seeking a more visible sign. People visiting the area for the first time have trouble finding either Mill Valley or the New Hollister apartments. He had approached the manager of the

New Hollister Apartments about locating a directional sign on their property. A sign for The Brook apartments had existed at the proposed location - the westerly corner of East Hadley Road and Riverglade Drive - but it had deteriorated through the years and was removed. The proposed sign would be about the same size as the previous sign.

The applicant went through the packet that he had submitted. He pointed out pictures of other existing signs in the area and their size. Mr. Pietz had submitted a plan showing the location of the proposed sign as 25 feet from both Riverglade and East Hadley Road. But at the site visit, the Board and he had explored the possibility of bringing the sign closer to Riverglade Drive.

Mr. Pietz submitted a second site plan showing the sign location closer to Riverglade – now 17 feet from the road edge. Although the sign location is basically parallel to Riverglade, it is now slightly angled towards the corner.

Mr. Pietz gave the following information concerning the sign and maintenance:

- The sign would be built by “Sign Techniques, Inc”
- It would be two-sided
- Its size would be 2 ½ x 5 feet, with a hanging ½ x 3 ½ ft. sign for New Hollister
- The top of the sign would be 4 ¾ feet from the ground.
- The sign would not be lighted; the street lights at the intersection will illuminate it
- The area surrounding the sign would be landscaped and maintained by Mountain View Landscaping, the company that maintains the original sign on the Mill Valley Estates property. Shrubbery would be kept at about 2 feet in height around the sign.
- Mill Valley also is contracting with Mountain View to landscape all along westerly side of Riverglade Drive down to the apartment complex. Since Mill Valley has more tenants than does New Hollister, they will help maintain the entranceway, which is owned by New Hollister.

Mr. Pietz said that he realized at the site visit that he would like the sign to be a foot higher and perhaps a foot wider. That would make the sign 3 ½ x 6 feet, and the top of the sign 5 ½ feet off the ground.

The Board agreed that the added height would increase visibility, particularly for New Hollister's portion of the sign. They noted that most of the other apartment signs along East Hadley Road are larger. In addition, there is plenty of open space around the proposed setting that would support a larger sign.

The Board asked Mr. Pietz to resubmit the sign plan, showing the revised dimensions, colors and graphics.

No one from the public spoke to this request.

Susan Pyncheon moved to close the evidentiary part of the hearing. Barbara Ford seconded the motion. The vote was unanimous to close the hearing.

**Public Meeting:**

The Board discussed Section 8.41 of the Zoning Bylaw, which indicates that a directional or identification sign may be erected in any district where the Board finds that it “will serve the public

convenience, will not endanger the public safety, and will be of such size, location, and design as will not be detrimental to the neighborhood." The Board noted that this application matches the stipulations of 8.41.

### Findings:

The Board finds under Section 10.38 of the Zoning Bylaw, Specific Findings, that:

10.380 & 10.381 – The proposed sign is suitably located in the neighborhood of several apartment complexes and is compatible with other signs along East Hadley Road

10.382, 10.383 & 10.387 – The proposal would be neither visually offensive nor a hazard to vehicles/pedestrians because it is well designed, not lighted, sits well off the road and is not near the sidewalk.

10.384, 10.385 & 10.392 – Adequate and appropriate facilities will be provided for the proper operation because the petitioner has planted flowers and shrubs, and maintained the other sign on the Mill Valley property for many years. The same landscaping company will maintain the area around this sign as well. Any degradation of the sign will be repaired by the applicant.

10.398 – The proposal is in harmony with the general purpose and intent of the Bylaw because it promotes safety and convenience for those searching for either of the apartment complexes without being detrimental to the neighborhood.

### Zoning Board Decision:

Susan Pynchon moved to APPROVE the Special Permit request, with conditions. Barbara Ford seconded the motion.

For all of the reasons stated above, the Board VOTED UNANIMOUSLY to grant a Special Permit to Mill Valley Estates, c/o Eric Pietz, Manager to erect a sign at the corner of Riverglade Drive and East Hadley Road, under Section 8.41 of the Zoning Bylaw (Map 16D/Parcel 15, R-N Zone), with conditions.

\_\_\_\_\_  
TOM SIMPSON

\_\_\_\_\_  
BARBARA FORD

\_\_\_\_\_  
SUSAN PYNCHON

FILED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2005 at \_\_\_\_\_,  
in the office of the Amherst Town Clerk \_\_\_\_\_.

TWENTY-DAY APPEAL period expires, \_\_\_\_\_ 2005.  
NOTICE OF DECISION mailed this \_\_\_\_\_ day of \_\_\_\_\_, 2005  
to the attached list of addresses by \_\_\_\_\_, for the Board.

NOTICE OF PERMIT or Variance filed this \_\_\_\_\_ day of \_\_\_\_\_, 2005,  
in the Hampshire County Registry of Deeds.

**Town of Amherst**  
**Zoning Board of Appeals**

*SPECIAL PERMIT*

The Amherst Zoning Board of Appeals hereby grants a Special Permit to Mill Valley Estates, c/o Eric Pietz, Manager to erect a sign at the corner of Riverglade Drive and East Hadley Road, under Section 8.41 of the Zoning Bylaw (Map 16D/Parcel 15, R-N Zone), subject to the following conditions:

1. A revised sign plan showing the dimensions, color and graphics shall be submitted to the Board for review and approval at a public meeting on May 19, 2005. The dimensions of the plan shall be approximately 3 ½ x 6 feet, and approximately 3 feet off the ground.
2. The location of the sign shall be according to the site plan approved by the Board at the public meeting on April 28, 2005.
3. The management of the sign and sign area shall be as described on the Management Plan approved by the Board at a public meeting on April 28, 2005. That is, Mill Valley Estates shall be responsible for sign maintenance as long as the sign is in that location.

---

Tom Simpson, Chair  
Amherst Zoning Board of Appeals

---

DATE